

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HUMAN GENOME SCIENCES, INC.,)
)
Plaintiff,) C.A. No. 11-082-LPS
)
v.)
)
GENENTECH, INC. and CITY OF HOPE,)
)
Defendants.)

**DECLARATION OF CRAIG A. BENSON IN SUPPORT OF DEFENDANTS
GENENTECH, INC. AND CITY OF HOPE'S MOTION TO DISMISS THE
COMPLAINT, OR, IN THE ALTERNATIVE, TO TRANSFER TO THE CENTRAL
DISTRICT OF CALIFORNIA, OR STAY**

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*Attorneys for Defendants
Genentech, Inc. and City of Hope*

Dated: February 10, 2011

I, Craig A. Benson, declare as follows:

I am a partner with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel of record for Defendants Genentech, Inc. and City of Hope (collectively "Defendants") in this matter. I have personal knowledge of the facts contained herein and, if called to testify, could and would competently testify thereto.

1. My firm also represents Defendants in *Glaxo Group, Ltd. v. Genentech, Inc.*, Case No. CV 10-2764 MRP (FMOx), currently pending before the United States District Court for the Central District of California (the "California action").

2. On January 21, 2011, pursuant to the meet and confer requirements of Central District Local Rule 7-3, I informed Lisa M. Ferri of Mayer Brown LLP, counsel for Plaintiff Glaxo Group, Ltd. ("GSK") in the California action, that Defendants intended to file a motion for leave to amend answer and counterclaim and sought consent to do so, asking for a reply by January 24th. A true and correct copy of this email is attached hereto as Exhibit A.

3. On January 24, 2011, Ms. Ferri responded that she could not respond until the end of that week. A true and correct copy of this email is attached hereto as Exhibit B.

4. On January 28, 2011, having received no reply, I again contacted Ms. Ferri. A true and correct copy of this email is attached hereto as Exhibit C.

5. Later on January 28, 2011, I spoke on the telephone with Ms. Ferri. During that conversation, she informed me that GSK would consent to Defendants' amended counterclaim relating to two Lonza entities and Arzerra (a different product), but not to the amendments relating to Benlysta or Human Genome Sciences ("HGS"). When I asked whether GSK had provided HGS with the January 7th claim construction brief indicating that Genentech was planning to add claims to the California action relating to Benlysta, she said she had no information on that. When I asked her whether GSK had provided HGS with a copy of the proposed amended answer and counterclaim in the California action that we had given Mayer Brown the previous Friday, she declined to respond, saying that that information was "not relevant."

I swear under penalty of perjury that the foregoing is true and correct. Executed this 1st
day of February, 2011, at Washington, District of Columbia.

By: 
CRAIG A. BENSON

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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that, on February 10, 2011, the within document was electronically filed with the Clerk of the Court using CM-ECF which will send notification of such filing to the following; that the document was served on the following counsel as indicated; and the document is available for viewing and downloading from CM-ECF:

BY CM/ECF AND EMAIL

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